

LEGISLATURE OF THE STATE OF IDAHO
Sixty-first Legislature First Regular Session - 2011

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 137, As Amended, As Amended in the Senate

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

RELATING TO THE ALTERATION OF CHANNELS OF STREAMS; AMENDING SECTION 42-3806, IDAHO CODE, TO PROVIDE THAT IN SPECIFIED SITUATIONS, NO PERMIT SHALL BE REQUIRED BY THE STATE OR ANY AGENCY OR POLITICAL SUBDIVISION THEREOF FROM A WATER USER OR HIS AGENT AND TO PROVIDE THAT SPECIFIED PROVISIONS SHALL NOT BE CONSTRUED TO AFFECT THE PROVISIONS OF CHAPTER 10, TITLE 46, IDAHO CODE, OR TO EXEMPT WATER USERS OR THEIR AGENTS FROM COMPLIANCE WITH APPLICABLE LOCAL FLOOD PLAIN ORDINANCES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 42-3806, Idaho Code, be, and the same is hereby amended to read as follows:

42-3806. EXISTING RIGHTS UNAFFECTED -- WHERE PERMIT NOT REQUIRED. This act shall not operate or be so construed as to impair, diminish, control or divest any existing or vested water rights acquired under the laws of the state of Idaho or the United States, nor to interfere with the diversion of water from streams under existing or vested water right or water right permit for irrigation, domestic, commercial or other uses as recognized and provided for by Idaho water laws.

No permit shall be required by the state or any agency or political subdivision thereof, from a water user or his agent to clean, maintain, construct in, or repair any stream channel, diversion structure, canal, ditch, drain or lateral. No permit shall be required by the state or any agency or political subdivision thereof, from a water user or his agent to remove any obstruction from any stream channel, if such obstruction interferes with, or is likely to interfere with, the delivery of, or use of, water under any existing or vested water right, or water right permit.

Nothing in this section shall be construed to affect the provisions of chapter 10, title 46, Idaho Code, or to exempt a water user or his agent from compliance with any applicable local flood plain ordinance adopted pursuant to section 46-1022, Idaho Code.